

# Notice of Allowability

Application No.

09/996,117

Examiner

Peter P Nerbun

Applicant(s)

SONNENBERG ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 10 December 2003.
2. ☒ The allowed claim(s) is/are 5-18,23-31,35-42,50-57,63-70,80-89,94-100 and 105-107.
3. ☒ The drawings filed on 10 December 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In claim 50, line 13, "the first" has been changed to --first-- since "first, second and third side edges" are not previously recited in claim 50.

In claim 63, line 13, "the first" has been changed to --first-- since "first, second and third side edges" are not previously recited in claim 63.

The following is an examiner's statement of reasons for allowance:

Claim 5 and its dependent claims are allowed because claim 5 specifically requires a method of reproducibly making photographs of different fabrics, so that one or more of each fabric's characteristics of texture, pattern, thickness, drape and translucency, can be reliably understood and compared including the steps of folding each fabric in the same way such that each fabric has two folds, placing the folded fabric on a background surface to provide it with a standardized draped shape wherein the standardized draped shape of the fabric comprises a bottom ply that has a first side edge and a top ply having a third side edge, the first and third side edges are spaced apart and extend generally parallel in a first direction.

Claim 50 and its dependent claims are allowed because claim 50 specifically requires a method of reproducibly making photographs of different fabrics, so that one or more of each fabric's characteristics of texture, pattern, thickness, drape and translucency, can be reliably understood and compared including the steps of folding

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each fabric in the same way such that each fabric has two folds, placing the folded fabric on a background surface to provide it with a standardized draped shape, photographing a portion of each draped and folded fabric, within a rectangular virtual photo frame so that the resulting photograph has a second surface area of the photograph showing the fabric and a third surface area of the photograph showing the background surface, the second surface area being greater than the third surface area.

Claim 63 and its dependent claims are allowed because claim 63 specifically requires a method of reproducibly making photographs of different fabrics, so that one or more of each fabric's characteristics of texture, pattern, thickness, drape and translucency, can be reliably understood and compared including the steps of folding each fabric in the same way such that each fabric has two folds, placing the folded fabric on a background surface to provide it with a standardized draped shape, photographing a portion of each draped and folded fabric, within a rectangular virtual photo frame so that the resulting photograph has a second surface area of the photograph showing the fabric and a third surface area of the photograph showing the background surface, the second surface area being greater than the third surface area.

Claim 80 and its dependent claims are allowed because claim 80 specifically requires a method of reproducibly making photographs of different fabrics, so that one or more of each fabric's characteristics of texture, pattern, thickness, drape and translucency, can be reliably understood and compared including the steps of folding each fabric in the same way, placing the folded fabric on a background surface to provide it with a standardized draped shape, photographing each draped and folded -

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fabric in a first same way, and showing each fabric in a second way in a computer-generated photo-realistic image in use as a window covering and/or a furniture covering.

Claim 87 and its dependent claims are allowed because claim 87 specifically requires a method of reproducibly making photographs of different fabrics, so that one or more of each fabric's characteristics of texture, pattern, thickness, drape and translucency, can be reliably understood and compared including the steps of folding each fabric in the same way, photographing each draped and folded-fabric in a first same way, and showing each fabric in a second way, wherein each photograph of a fabric in the first and/or second way is stored in a computer database and is tagged to indicate a use of the fabric.

Claim 94 and its dependent claims are allowed because claim 94 specifically requires a method of reproducibly making photographs of different fabrics, so that one or more of each fabric's characteristics of texture, pattern, thickness, drape and translucency, can be reliably understood and compared including the steps of placing a folded fabric on a background surface to provide it with a standardized draped shape, photographing each draped and folded fabric in a first same way, and photographing each fabric in a second same way as straight with a full-repeat of a pattern.

Claim 105 is allowed because claim 105 specifically requires a method of reproducibly making photographs of different fabrics, so that one or more of each fabric's characteristics of texture, pattern, thickness, drape and translucency, can be reliably understood and compared including the steps of folding each fabric in the same

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way such that each fabric has two folds, placing the folded fabric on a background surface to provide it with a standardized draped shape wherein the standardized draped shape of the fabric comprises a bottom ply that has a first side edge and a top ply having a third side edge, the first and third side edges are spaced apart and extend generally parallel in a first direction.

Claim 106 is allowed because claim 106 specifically requires a method of reproducibly making photographs of different fabrics, so that one or more of each fabric's characteristics of texture, pattern, thickness, drape and translucency, can be reliably understood and compared including the steps of folding each fabric in the same way such that each fabric has one to three folds, placing the folded fabric on a background surface to provide it with a standardized draped shape wherein the standardized draped shape of the fabric comprises a bottom ply that has a first side edge and a top ply having a third side edge, the first and third side edges are spaced apart and extend generally parallel in a first direction.

Claim 107 is allowed because claim 107 specifically requires a method of reproducibly making photographs of different fabrics, so that one or more of each fabric's characteristics of texture, pattern, thickness, drape and translucency, can be reliably understood and compared including the steps of folding each fabric in the same way such that each fabric has one to three folds, placing the folded fabric on a background surface to provide it with a standardized draped shape wherein the standardized draped shape of the fabric comprises a bottom ply that has a first side

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edge and a top ply having a third side edge, the first and third side edges are spaced apart and extend generally parallel in a first direction.

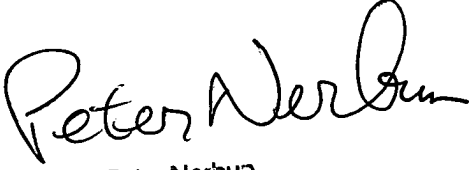
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter P Nerbun whose telephone number is 703-308-0955. The examiner can normally be reached on M-F (1st Week) M-Th (2d Week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J Calvert can be reached on 703-305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter Nerbun  
June 9, 2004

  
Peter Nerbun  
Primary Examiner